claimant summarily directed to deliver the property to the trustee, but if the claim is asserted in good faith, substantiated by verified pleadings or oral testimony, the remedy of the trustee for the recovery of the property is, by a plenary suit, instituted in the proper tribunal. *In re Kane* (U. S. D. C., N. D. of N. Y.), 12 Am. B. R. 444.

BANKRUPTCY—DISCHARGE—FAILURE TO APPLY FOR OR REFUSAL TO GRANT—RES ADJUDICATA—SUBSEQUENT BANKRUPTCY TO SECURE—DISMISSAL OF PETITION AFTER ADJUDICATION.—A failure of the bankrupt to apply in due time for, or a refusal by the court to grant, a discharge from debts provable in proceedings under one petition in bankruptcy, renders the question of the right of the bankrupt to a discharge from those debts in a proceeding under a subsequent petition *res adjudicata.*

A subsequent proceeding in bankruptcy for the sole purpose of obtaining a discharge which a prior proceeding has conclusively determined that the bankrupt is not entitled to presents no ground for relief, is vexatious and futile, and cannot be lawfully maintained.

The District Court has power to dismiss such a proceeding, as soon as it learns its real purpose, under section 2, subd. 15, Bankr. Act July 1, 1898, chap. 541, 30 Stat. 546 (U. S. Comp. St. 1901, p. 3421), although this is after an adjudication in bankruptcy. *Kuntz* v. *Young* (C. C. A., Eighth Circuit), decided July 28, 1904, 12 Am. B. R., 505.

NEGLIGENCE—HIDDEN DEFECT.—The manufacturer of a buggy, who sells it to a municipal corporation for the use of one of its employees, representing it to be strong and in good condition, but knowing that it is in fact defective, the defect being so concealed that the purchaser cannot detect it, is held, in *Woodward* v. *Miller* (Ga.), 64 L. R. A. 932, to be liable in damages to the person whose use of the buggy was contemplated at the time of the sale, for injuries caused by such defect.

SALES—DELIVERY—PASSING OF TITLE—CONVERSION.—In *Wesoloski* v. *Wysoski*, 71 N. E. 982, the Supreme Judicial Court of Massachusetts held:

Where plaintiff sold defendant onions under an agreement that they were to be screened to remove the unmarketable ones, and weighed, and paid for on a certain date, title did not pass before they were screened, weighed and paid for, there being no evidence that it was intended that title should pass before this was done. A sale of the onions by defendant before they were screened weighed, or paid for was of itself a conversion, citing *Riddle* v. *Varnum*, 20 PICK. 280; *Sherwin* v. *Mudge*, 127 Mass. 547; *Robinson* v. *Way*, 163 Mass. 212, 39 N. E. 1009; *Baker* v. *Lothrop*, 155 Mass. 376, 29 N. E. 643.

WITNESSES—COMPETENCY—HUSBAND AGAINST WIFE—SEC. 3346A VA. CODE ANNO.—A husband may testify against the wife concerning an assault upon